

## PATENT COOPERATION TREATY

PCT

COMMUNICATION IN CASES FOR WHICH  
NO OTHER FORM IS APPLICABLE

From the INTERNATIONAL BUREAU

To:

MACLEAN, Kenneth, John, Hamson  
British American Tobacco Limited  
R & D Centre  
Patents Dept.  
Regents Park Road  
Southampton SO15 8TL  
ROYAUME-UNI

Date of mailing (day/month/year) 16 November 1999 (16.11.99)	
Applicant's or agent's file reference	<b>REPLY DUE</b> see paragraph 1 below
International application No. PCT/GB98/01586	International filing date (day/month/year) 29 May 1998 (29.05.98)
Applicant BRITISH AMERICAN TOBACCO INVESTMENTS LIMITED	

1. ☐ REPLY DUE within \_\_\_\_\_ months/days from the above date of mailing
- ☐ NO REPLY DUE, however, see below
- ☒ IMPORTANT COMMUNICATION
- ☐ INFORMATION ONLY

## 2. COMMUNICATION:

Please be informed that due to a clerical error the nationality of the inventor NATARAJAN was published as US, when the correct nationality should be IN. This information has been corrected and a corrected version of the pamphlet front page will be published soon. A copy of this notification is being sent to the elected Offices concerned.

The International Bureau of WIPO 34, chemin des Colombettes 1211 Geneva 20, Switzerland	Authorized officer Maria Victoria CORTIELLO
Facsimile No. (41-22) 740.14.35	Telephone No. (41-22) 338.83.38

## PATENT COOPERATION TREATY

PCT

## NOTIFICATION OF ELECTION

(PCT Rule 61.2)

From the INTERNATIONAL BUREAU

To:

United States Patent and Trademark  
Office  
(Box PCT)  
Crystal Plaza 2  
Washington, DC 20231  
ÉTATS-UNIS D'AMÉRIQUE

in its capacity as elected Office

Date of mailing (day/month/year)

10 February 1999 (10.02.99)

International application No.

PCT/GB98/01586

Applicant's or agent's file reference

International filing date (day/month/year)

29 May 1998 (29.05.98)

Priority date (day/month/year)

19 June 1997 (19.06.97)

Applicant

BIGGS, Philip, John et al

1. The designated Office is hereby notified of its election made:



in the demand filed with the International Preliminary Examining Authority on:

14 January 1999 (14.01.99)



in a notice effecting later election filed with the International Bureau on:

2. The election ☒ was

was not

made before the expiration of 19 months from the priority date or, where Rule 32 applies, within the time limit under Rule 32.2(b).

The International Bureau of WIPO  
34, chemin des Colombettes  
1211 Geneva 20, Switzerland

Facsimile No.: (41-22) 740.14.35

Authorized officer

Margret Fourné-Godbersen

Telephone No.: (41-22) 338.83.38

## PATENT COOPERATION TREATY

PCT

NOTIFICATION OF THE RECORDING  
OF A CHANGE(PCT Rule 92bis.1 and  
Administrative Instructions, Section 422)

From the INTERNATIONAL BUREAU

To:

MACLEAN, Kenneth, John, Hamson  
British American Tobacco Limited  
R & D Centre  
Patents Dept.  
Regents Park Road  
Southampton SO15 8TL  
ROYAUME-UNI

Date of mailing (day/month/year)

04 March 1999 (04.03.99)

Applicant's or agent's file reference

## IMPORTANT NOTIFICATION

International application No.

PCT/GB98/01586

International filing date (day/month/year)

29 May 1998 (29.05.98)

1. The following indications appeared on record concerning:



the applicant



the inventor



the agent



the common representative

Name and Address

GILBERT, Richard, Thomas  
8 Stella Court  
Coxford Road  
Lordsworth  
Southampton SO16 5SL  
United Kingdom

State of Nationality

GB

State of Residence

GB

Telephone No.

Facsimile No.

Teleprinter No.

2. The International Bureau hereby notifies the applicant that the following change has been recorded concerning:



the person



the name



the address



the nationality



the residence

Name and Address

GILBERT, Richard, Thomas  
8 Stella Court  
Coxford Road  
Lordsworth  
Southampton SO16 5SL  
United Kingdom

State of Nationality

GB

State of Residence

GB

Telephone No.

Facsimile No.

Teleprinter No.

3. Further observations, if necessary

4. A copy of this notification has been sent to:



the receiving Office



the designated Offices concerned



the International Searching Authority



the elected Offices concerned



the International Preliminary Examining Authority



other:

The International Bureau of WIPO  
34, chemin des Colombettes  
1211 Geneva 20, Switzerland

Authorized officer

Maria Victoria CORTIELLO

Facsimile No.: (41-22) 740.14.35

Telephone No.: (41-22) 338.83.38

## PATENT COOPERATION TREATY

PCT

NOTIFICATION OF THE RECORDING  
OF A CHANGE(PCT Rule 92bis.1 and  
Administrative Instructions, Section 422)

From the INTERNATIONAL BUREAU

To:

MACLEAN, Kenneth, John, Hamson  
British American Tobacco Limited  
R & D Centre  
Patents Dept.  
Regents Park Road  
Southampton SO15 8TL  
ROYAUME-UNI

Date of mailing (day/month/year) 14 January 1999 (14.01.99)	<b>IMPORTANT NOTIFICATION</b>
Applicant's or agent's file reference	
International application No. PCT/GB98/01586	International filing date (day/month/year) 29 May 1998 (29.05.98)

1. The following indications appeared on record concerning:		
<input checked="" type="checkbox"/> the applicant	<input type="checkbox"/> the inventor	<input type="checkbox"/> the agent
<input type="checkbox"/> the common representative		
Name and Address BRITISH AMERICAN TOBACCO INVESTMENTS LIMITED Millbank Knowle Green Staines Middlesex TW18 1DY United Kingdom	State of Nationality GB	State of Residence GB
	Telephone No. 01784 460400	
	Facsimile No. 01784 455000	
	Teleprinter No.	
2. The International Bureau hereby notifies the applicant that the following change has been recorded concerning:		
<input type="checkbox"/> the person	<input type="checkbox"/> the name	<input checked="" type="checkbox"/> the address
<input type="checkbox"/> the nationality		
<input type="checkbox"/> the residence		
Name and Address BRITISH AMERICAN TOBACCO INVESTMENTS LIMITED Globe House 1 Water Street LONDON WC2R 3LA United Kingdom	State of Nationality GB	State of Residence GB
	Telephone No. 01784 460400	
	Facsimile No. 01784 455000	
	Teleprinter No.	
3. Further observations, if necessary:		
4. A copy of this notification has been sent to:		
<input checked="" type="checkbox"/> the receiving Office	<input checked="" type="checkbox"/> the designated Offices concerned	
<input type="checkbox"/> the International Searching Authority	<input type="checkbox"/> the elected Offices concerned	
<input type="checkbox"/> the International Preliminary Examining Authority	<input checked="" type="checkbox"/> other: IPEA/EP	

The International Bureau of WIPO 34, chemin des Colombettes 1211 Geneva 20, Switzerland	Authorized officer  Maria Victoria CORTIELLO
Facsimile No.: (41-22) 740.14.35	Telephone No.: (41-22) 338.83.38

**PCT**WORLD INTELLECTUAL PROPERTY ORGANIZATION  
International Bureau

## INTERNATIONAL APPLICATION PUBLISHED UNDER THE PATENT COOPERATION TREATY (PCT)

<b>(51) International Patent Classification <sup>6</sup>:</b> <b>A24B 15/16, A24D 3/14</b>	<b>A1</b>	<b>(11) International Publication Number:</b> <b>WO 98/57556</b> <b>(43) International Publication Date:</b> 23 December 1998 (23.12.98)
<b>(21) International Application Number:</b> PCT/GB98/01586 <b>(22) International Filing Date:</b> 29 May 1998 (29.05.98) <b>(30) Priority Data:</b> 9712815.1 19 June 1997 (19.06.97) GB <b>(71) Applicant (for all designated States except US):</b> BRITISH AMERICAN TOBACCO INVESTMENTS LIMITED [GB/GB]; Millbank, Knowle Green, Staines, Middlesex TW18 1DY (GB). <b>(72) Inventors; and</b> <b>(75) Inventors/Applicants (for US only):</b> BIGGS, Philip, John [GB/GB]; 66 Laburnum Crescent, Hythe, Southampton SO45 3PN (GB). GILBERT, Richard, Thomas [GB/GB]; Brendan Court 3.32, The University of Bath, Bath, Avon BA2 7AY (GB). MCADAM, Kevin, Gerard [GB/GB]; 68 Angelica Way, Whiteley, Fareham PO15 7HZ (GB). NATARAJAN, Bhasker [US/US]; 560 Kensington Road #5, Lancaster, PA 17603 (US). <b>(74) Agents:</b> MACLEAN, Kenneth, John, Hamson et al.; British American Tobacco Limited, R & D Centre, Patents Dept., Regents Park Road, Southampton SO15 8TL (GB).		<b>(81) Designated States:</b> AL, AM, AT, AU, AZ, BA, BB, BG, BR, BY, CA, CH, CN, CU, CZ, DE, DK, EE, ES, FI, GB, GE, GH, GM, GW, HU, ID, IL, IS, JP, KE, KG, KP, KR, KZ, LC, LK, LR, LS, LT, LU, LV, MD, MG, MK, MN, MW, MX, NO, NZ, PL, PT, RO, RU, SD, SE, SG, SI, SK, SL, TJ, TM, TR, TT, UA, UG, US, UZ, VN, YU, ZW, ARIPO patent (GH, GM, KE, LS, MW, SD, SZ, UG, ZW), Eurasian patent (AM, AZ, BY, KG, KZ, MD, RU, TJ, TM), European patent (AT, BE, CH, CY, DE, DK, ES, FI, FR, GB, GR, IE, IT, LU, MC, NL, PT, SE), OAPI patent (BF, BJ, CF, CG, CI, CM, GA, GN, ML, MR, NE, SN, TD, TG).  <b>Published</b> <i>With international search report.</i> <i>Before the expiration of the time limit for amending the claims and to be republished in the event of the receipt of amendments.</i>
<b>(54) Title:</b> SMOKING ARTICLE AND SMOKING MATERIAL THEREFOR		
<b>(57) Abstract</b>  The invention relates to a reconstituted smoking material which comprises a non-polyol aerosol generator, tobacco (optional), binder (optional) and inorganic filler. A further polyol aerosol generator may also be contained in the smoking material. There is also provided a smoking article containing such material in a conventional arrangement or with a core axially disposed within an annulus. A further aspect of the invention is the provision of a polyol or non-polyol aerosol generated disposed in the filter element of a smoking article, which may contain the inventive smoking material. The aerosol material on the filter is eluted into the aerosol of the smoke on burning of the smoking article.		

**FOR THE PURPOSES OF INFORMATION ONLY**

Codes used to identify States party to the PCT on the front pages of pamphlets publishing international applications under the PCT.

AL	Albania	ES	Spain	LS	Lesotho	SI	Slovenia
AM	Armenia	FI	Finland	LT	Lithuania	SK	Slovakia
AT	Austria	FR	France	LU	Luxembourg	SN	Senegal
AU	Australia	GA	Gabon	LV	Latvia	SZ	Swaziland
AZ	Azerbaijan	GB	United Kingdom	MC	Monaco	TD	Chad
BA	Bosnia and Herzegovina	GE	Georgia	MD	Republic of Moldova	TG	Togo
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BE	Belgium	GN	Guinea	MK	The former Yugoslav Republic of Macedonia	TM	Turkmenistan
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DE	Germany	LI	Liechtenstein	SD	Sudan		
DK	Denmark	LK	Sri Lanka	SE	Sweden		
EE	Estonia	LR	Liberia	SG	Singapore		

# INTERNATIONAL SEARCH REPORT

International Application No

PCT/GB 98/01586

## A. CLASSIFICATION OF SUBJECT MATTER

IPC 6 A24B15/16 A24D3/14

According to International Patent Classification (IPC) or to both national classification and IPC

## B. FIELDS SEARCHED

Minimum documentation searched (classification system followed by classification symbols)

IPC 6 A24B A24D

Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched

Electronic data base consulted during the international search (name of data base and, where practical, search terms used)

## C. DOCUMENTS CONSIDERED TO BE RELEVANT

Category *	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
X	LU 66 008 A (IMPERIAL CHEMICAL INDUSTRIES LIMITED) 17 January 1973	1-6, 9-12, 14-16
Y	see example 4	18-20, 22-24, 27
Y	US 4 917 121 A (RIEHL ET AL.) 17 April 1990 see column 2, line 22 - line 55; figure 2	18-20, 22-24, 27
X	see column 3, line 8 - line 24	25-28
A	US 4 924 886 A (LITZINGER) 15 May 1990 see column 2, line 30 - column 3, line 8; figure 1	18-20, 22-24
	-/--	



Further documents are listed in the continuation of box C.



Patent family members are listed in annex.

\* Special categories of cited documents:

"A" document defining the general state of the art which is not considered to be of particular relevance

"E" earlier document but published on or after the international filing date

"L" document which may throw doubts on priority claim(s) or which is cited to establish the publication date of another citation or other special reason (as specified)

"O" document referring to an oral disclosure, use, exhibition or other means

"P" document published prior to the international filing date but later than the priority date claimed

"T" later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention

"X" document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone

"Y" document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art.

"&" document member of the same patent family

Date of the actual completion of the international search

9 November 1998

Date of mailing of the international search report

18. 11. 1998

Name and mailing address of the ISA

European Patent Office, P.B. 5818 Patentlaan 2  
NL - 2280 HV Rijswijk  
Tel. (+31-70) 340-2040, Tx. 31 651 epo nl,  
Fax: (+31-70) 340-3016

Authorized officer

Lepretre, F

# INTERNATIONAL SEARCH REPORT

International Application No

PCT/GB 98/01586

## C.(Continuation) DOCUMENTS CONSIDERED TO BE RELEVANT

Category	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
P, X	WO 97 32490 A (BRITISH AMERICAN TOBACCO) 12 September 1997 see page 9, paragraph 1; claims; tables 1,3,5 ---	1-17
X	US 5 056 537 A (BROWN ET AL.) 15 October 1991 see column 3, line 48 - column 4, line 21; claims 13-16 ---	25
X	GB 755 479 A (PHILIP MORRIS) 22 August 1956 see page 1, line 64 - line 80; examples -----	25



# INTERNATIONAL SEARCH REPORT

International application No.  
PCT/GB 98/01586

## Box I Observations where certain claims were found unsearchable (Continuation of item 1 of first sheet)

This International Search Report has not been established in respect of certain claims under Article 17(2)(a) for the following reasons:

1. ☐ Claims Nos.:  
because they relate to subject matter not required to be searched by this Authority, namely:
2. ☐ Claims Nos.:  
because they relate to parts of the International Application that do not comply with the prescribed requirements to such an extent that no meaningful International Search can be carried out, specifically:
3. ☐ Claims Nos.:  
because they are dependent claims and are not drafted in accordance with the second and third sentences of Rule 6.4(a).

## Box II Observations where unity of invention is lacking (Continuation of item 2 of first sheet)

This International Searching Authority found multiple inventions in this international application, as follows:

see additional sheet

1. ☒ As all required additional search fees were timely paid by the applicant, this International Search Report covers all searchable claims.
2. ☐ As all searchable claims could be searched without effort justifying an additional fee, this Authority did not invite payment of any additional fee.
3. ☐ As only some of the required additional search fees were timely paid by the applicant, this International Search Report covers only those claims for which fees were paid, specifically claims Nos.:
4. ☐ No required additional search fees were timely paid by the applicant. Consequently, this International Search Report is restricted to the invention first mentioned in the claims; it is covered by claims Nos.:

### Remark on Protest

- ☐ The additional search fees were accompanied by the applicant's protest.
- ☒ No protest accompanied the payment of additional search fees.

**FURTHER INFORMATION CONTINUED FROM PCT/ISA/ 210**

This International Searching Authority found multiple (groups of) inventions in this international application, as follows:

**1. Claims: 1-24**

A smoking material comprising a non-polyol aerosol generator, up to 20% by weight tobacco, binder at not more than 20% by weight and not less than 30% by weight inorganic filler.

**2. Claims: 25-30**

A smoking article comprising a smokable rod and a filter, the smokable rod comprising smoking material and the filter comprising filtration material provided with an elutable aerosol generator, the aerosol generator being elutable from the filter upon smoking of the smoking article.

# INTERNATIONAL SEARCH REPORT

Information on patent family members

International Application No

PCT/GB 98/01586

Patent document cited in search report	Publication date	Patent family member(s)	Publication ~ date
LU 66008	A	17-01-1973	AR 193290 A 11-04-1973
			AU 4588672 A 28-02-1974
			BE 788198 A 28-02-1973
			DE 2244030 A 15-03-1973
			FR 2152183 A 20-04-1973
			GB 1339144 A 28-11-1973
			IE 36889 B 16-03-1977
			JP 48035096 A 23-05-1973
			NL 7212166 A 12-03-1973
			US 3878850 A 22-04-1975
			ZA 7205667 A 30-05-1973
US 4917121	A	17-04-1990	AU 598978 A 05-07-1990
			CA 2003366 A,C 09-06-1990
			CH 679106 A 31-12-1991
			DE 3938010 A 13-06-1990
			GB 2225700 A,B 13-06-1990
US 4924886	A	15-05-1990	AU 598977 A 05-07-1990
			CA 2003367 A,C 21-05-1990
			CH 679632 A 31-03-1992
			DE 3936249 A 23-05-1990
			GB 2224921 A,B 23-05-1990
WO 9732490	A	12-09-1997	AU 2224897 A 22-09-1997
US 5056537	A	15-10-1991	NONE
GB 755479	A		CH 331835 A
			DE 959356 C
			FR 1111207 A 23-02-1956
			NL 190486 A
			NL 86569 C

BRIEFING DEPARTMENT  
PATENT COOPERATION TREATY

1998

PCT

NOTICE INFORMING THE APPLICANT OF THE  
COMMUNICATION OF THE INTERNATIONAL  
APPLICATION TO THE DESIGNATED OFFICES

(PCT Rule 47.1(c), first sentence)

From the INTERNATIONAL BUREAU

To:

MACLEAN, Kenneth, John, Hamson  
British American Tobacco Limited  
R & D Centre  
Patents Dept.  
Regents Park Road  
Southampton SO15 8TL  
ROYAUME-UNI

Date of mailing (day/month/year)

23-December 1998 (23.12.98)

Applicant's or agent's file reference

R2407

## IMPORTANT NOTICE

International application No.

PCT/GB98/01586

International filing date (day/month/year)

29 May 1998 (29.05.98)

Priority date (day/month/year)

19 June 1997 (19.06.97)

Applicant

BRITISH AMERICAN TOBACCO INVESTMENTS LIMITED et al

1. Notice is hereby given that the International Bureau has communicated, as provided in Article 20, the international application to the following designated Offices on the date indicated above as the date of mailing of this Notice:

AU,BR,CA,CN,EP,IL,JP,KP,KR,PL,US

In accordance with Rule 47.1(c), third sentence, those Offices will accept the present Notice as conclusive evidence that the communication of the international application has duly taken place on the date of mailing indicated above and no copy of the international application is required to be furnished by the applicant to the designated Office(s).

2. The following designated Offices have waived the requirement for such a communication at this time:

AL,AM,AP,AT,AZ,BA,BB,BG,BY,CH,CU,CZ,DE,DK,EA,EE,ES,FI,GB,GE,GH,GM,GW,HU,ID,IS,KE,  
KG,KZ,LC,LK,LR,LS,LT,LU,LV,MD,MG,MK,MN,MW,MX,NO,NZ,OA,PT,RO,RU,SD,SE,SG,SI,SK,SL,  
TJ,TM,TR,TT,UA,UG,UZ,VN,YU,ZW

The communication will be made to those Offices only upon their request. Furthermore, those Offices do not require the applicant to furnish a copy of the international application (Rule 49.1(a-bis)).

3. Enclosed with this Notice is a copy of the international application as published by the International Bureau on

23 December 1998 (23.12.98) under No. WO 98/57556

## REMINDER REGARDING CHAPTER II (Article 31(2)(a) and Rule 54.2)

If the applicant wishes to postpone entry into the national phase until 30 months (or later in some Offices) from the priority date, a demand for international preliminary examination must be filed with the competent International Preliminary Examining Authority before the expiration of 19 months from the priority date.

It is the applicant's sole responsibility to monitor the 19-month time limit.

Note that only an applicant who is a national or resident of a PCT Contracting State which is bound by Chapter II has the right to file a demand for international preliminary examination.

## REMINDER REGARDING ENTRY INTO THE NATIONAL PHASE (Article 22 or 39(1))

If the applicant wishes to proceed with the international application in the national phase, he must, within 20 months or 30 months, or later in some Offices, perform the acts referred to therein before each designated or elected Office.

For further important information on the time limits and acts to be performed for entering the national phase, see the Annex to Form PCT/IB/301 (Notification of Receipt of Record Copy) and Volume II of the PCT Applicant's Guide.

The International Bureau of WIPO  
34, chemin des Colombettes  
1211 Geneva 20, Switzerland

Facsimile No. (41-22) 740.14.35

Authorized officer

J. Zahra

Telephone No. (41-22) 338.83.38

# PATENT COOPERATION TREATY

# PCT

REC'D 27 SEP 1999

WIPO PCT

## INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference <b>RD 407</b>	<b>FOR FURTHER ACTION</b> <div style="float: right; font-size: small;">See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416)</div>	
International application No. <b>PCT/GB98/01586</b>	International filing date (day/month/year) <b>29/05/1998</b>	Priority date (day/month/year) <b>19/06/1997</b>
International Patent Classification (IPC) or national classification and IPC <b>A24B15/16</b>		
Applicant <b>BRITISH AMERICAN TOBACCO INVESTMENTS L. et al.</b>		
<p>1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.</p> <p>2. This REPORT consists of a total of 6 sheets, including this cover sheet.</p> <p><input type="checkbox"/> This report is also accompanied by ANNEXES, i.e. sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).</p> <p>These annexes consist of a total of    sheets.</p>		
<p>3. This report contains indications relating to the following items:</p> <ul style="list-style-type: none"> <li>I    <input checked="" type="checkbox"/> Basis of the report</li> <li>II   <input type="checkbox"/> Priority</li> <li>III <input checked="" type="checkbox"/> Non-establishment of opinion with regard to novelty, inventive step and industrial applicability</li> <li>IV  <input checked="" type="checkbox"/> Lack of unity of invention</li> <li>V   <input checked="" type="checkbox"/> Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement</li> <li>VI  <input type="checkbox"/> Certain documents cited</li> <li>VII <input checked="" type="checkbox"/> Certain defects in the international application</li> <li>VIII <input type="checkbox"/> Certain observations on the international application</li> </ul>		
Date of submission of the demand  <b>14/01/1999</b>	Date of completion of this report  <div style="font-size: 1.2em; font-weight: bold;">23.09.99</div>	
Name and mailing address of the international preliminary examining authority:  <div style="display: flex; align-items: center;"> <div>                         European Patent Office                          D-80298 Munich                          Tel. +49 89 2399 - 0 Tx: 523656 epmu d                          Fax: +49 89 2399 - 4465                     </div> </div>	Authorized officer  <b>Pille, S</b>  Telephone No. +49 89 2399 2097	



**INTERNATIONAL PRELIMINARY  
EXAMINATION REPORT**

International application No. PCT/GB98/01586

**I. Basis of the report**

1. This report has been drawn on the basis of (*substitute sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to the report since they do not contain amendments.*):

**Description, pages:**

1-12 as originally filed

**Claims, No.:**

1-30 as originally filed

2. The amendments have resulted in the cancellation of:

- ☐ the description, pages:  
☐ the claims, Nos.:  
☐ the drawings, sheets:

3. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed (Rule 70.2(c)):

4. Additional observations, if necessary:

**III. Non-establishment of opinion with regard to novelty, inventive step and industrial applicability**

The questions whether the claimed invention appears to be novel, to involve an inventive step (to be non-obvious), or to be industrially applicable have not been examined in respect of:

- ☐ the entire international application.  
☒ claims Nos. 29, 30.

because:

- ☐ the said international application, or the said claims Nos. relate to the following subject matter which does not require an international preliminary examination (*specify*):

**INTERNATIONAL PRELIMINARY  
EXAMINATION REPORT**

International application No. PCT/GB98/01586

- ☒ the description, claims or drawings (*indicate particular elements below*) or said claims Nos. 29, 30 are so unclear that no meaningful opinion could be formed (*specify*):

**see separate sheet**

- ☐ the claims, or said claims Nos. are so inadequately supported by the description that no meaningful opinion could be formed.
- ☐ no international search report has been established for the said claims Nos. .

**IV. Lack of unity of invention**

1. In response to the invitation to restrict or pay additional fees the applicant has:

- ☐ restricted the claims.
- ☒ paid additional fees.
- ☐ paid additional fees under protest.
- ☐ neither restricted nor paid additional fees.

2. ☐ This Authority found that the requirement of unity of invention is not complied and chose, according to Rule 68.1, not to invite the applicant to restrict or pay additional fees.

3. This Authority considers that the requirement of unity of invention in accordance with Rules 13.1, 13.2 and 13.3 is

- ☐ complied with.
- ☒ not complied with for the following reasons:

**see separate sheet**

4. Consequently, the following parts of the international application were the subject of international preliminary examination in establishing this report:

- ☒ all parts.
- ☐ the parts relating to claims Nos. .

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**ad III**

- 1). Claims 29 and 30 do not contain precise technical features

**ad IV**

- 2). The application is considered to lack unity for the same reasons as given in the International Search Report.

**ad V**

- 3). The present application does not meet the requirements of Article 33(2) PCT, because the subject-matter of claims 1 to 12 and 14 is not new over LU-A-66008. This document also shows a smoking material (claim 1) comprising (see p. 6, l. 12-22) a non-polyol aerosol generator (1 part or 5% triacetin), up to 20%wt tobacco (0%), binder not more than 20%wt (2,3 parts or 11.5% sodium carboxymethylcellulose) and not less than 30%wt inorganic filler (2.92 parts Ca carbonate, 0.95 parts of bentonite and 5 parts magnesite resulting in approx. 45%wt inorganic filler).
- 4). The additional features of the following claim are also known from this document:
  - claim 15: see p. 6, l. 13
  - claim 16: see cl. 16
  - claim 17: see p. 7, l. 4
  - claims 18-22: see p. 6, l. 23-27.
- 5). Dependent claims 13, 23 and 24 do not contain any features which, in combination with the features of any claim to which /they refer, meet the requirements of the PCT in respect of inventive step, the reasons being as follows:
  - the slight difference in %age of binder compared to example 4 of the cited document is not considered to be inventive
  - the arrangement of the smoking article according to claims 23 and 24 is common in the art.
- 6). The present application does not meet the requirements of Article 33(2) PCT,



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because the subject-matter of claims 25 and 26 is not new over US-A-5056537(see figs.). The elutable aerosol generator is polyhydric alcohol (claim 15) exactly as preferred on p. 5, bottom para. of the present application.

- 7). The subject-matter of claims 27 and 28 is not inventive over a combination of the two cited documents.

**ad VII**

- 8). The relevant background art disclosed in the two cited documents should be mentioned in the description (Rule 5.1(a)(ii) PCT).

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